

MEMORANDUM

TO: Parties in D.T.E. 04-70

FROM: Joan Foster Evans, Hearing Officer

DATE: March 14, 2005

RE: NSTAR Electric Consolidated Motion for a Protective Order

CC: Mary Cottrell, Secretary
D.T.E. 04-70 service list

On December 21, 2004, Boston Edison Company and Commonwealth Electric Company d/b/a NSTAR Electric ("NSTAR Electric" or "Companies") filed with the Department of Telecommunications and Energy ("Department") a Consolidated Motion for a Protective Order ("Motion").¹ Attached to its Motion, NSTAR Electric provided a list of exhibits for which it requests confidential treatment, arguing that the exhibits on the list contain proprietary, confidential and sensitive competitive information (Motion at 2). NSTAR Electric states that the exhibits on the list contain (1) the Companies' projections of future energy prices and its forecasts of payments to be made pursuant to its existing purchase power agreements ("PPAs") with MASSPOWER and Dartmouth Holdings, and PPAs with other parties; (2) the Companies' projections of future energy prices and its forecasts of payments to be made pursuant to the MASSPOWER Termination Agreement and the Purchase and Sale Agreement with Dartmouth Holdings; and (3) the buyout amounts for MASSPOWER and Dartmouth Holdings, as reflected in the securitization amount relating to each agreement (id.). On February 18, 2005, NSTAR Electric filed its Issuance Advice Letters for Boston Edison Company and Commonwealth Electric Company. According to the Companies, page 1 of attachment 4 of the letters contains competitively sensitive, bid-related data that are proprietary and confidential. Page 1 of attachment 4 is an update of Exhibit NSTAR-GOL-1, which is included in NSTAR Electric's list of confidential exhibits. Therefore, the Hearing Officer includes the updated exhibit in her ruling below.² No party objected to NSTAR Electric's Motion.

The Hearing Officer finds that the exhibits on the list attached to NSTAR Electric's Motion, including the update filed on February 18, 2005, are competitively sensitive and

¹ NSTAR Electric states that the Consolidated Motion supersedes previous motions for protective treatment filed in this docket, and seeks protective treatment for all confidential exhibits filed in the proceeding since its inception (Motion at 1, n.1).

² The Hearing Officer removes RR-DTE-5(a)(att. I) and RR-DTE-5(b)(att. J) from the list of confidential exhibits.

confidential pursuant to G.L. c. 25, § 5D, and therefore grants NSTAR Electric's Motion. Confidential treatment will be granted for a period of three years from the date of the final Order in this docket. Upon completion of all of NSTAR Electric's PPA buyouts and renegotiations under the Restructuring Act, the § 5D protection accorded here will terminate without further action of the Department. See Boston Edison Company, D.T.E. 99-16, at 4 (1999).

ATTACHMENT 1

D.T.E. 04-70

- Exhibit NSTAR-GOL-1
- Exhibit NSTAR-COM-GOL-3, pages 13 through 15;
- Exhibit NSTAR-COM-GOL-4, pages 13 through 15;
- Attachment DTE-1-6(c)
- Attachment DTE-1-8
- Attachment DTE-1-14
- Attachment RR-DTE-1
- Attachment RR-DTE-2
- Attachment RR-DTE-5(a)
- Attachment RR-DTE-5(a), Attachment A
- Attachment RR-DTE-5(a), Attachment B
- Attachment RR-DTE-5(a), Attachment D
- Attachment RR-DTE-5(a), Attachment E
- Attachment RR-DTE-5(a), Attachment G
- Attachment RR-DTE-5(a), Attachment H
- ~~Attachment RR-DTE-5(a), Attachment I~~
- Attachment RR-DTE-5(a), Attachment K
- Attachment RR-DTE-5(a), Attachment L
- Attachment RR-DTE-5(b)
- Attachment RR-DTE-5(b), Attachment A
- Attachment RR-DTE-5(b), Attachment B
- Attachment RR-DTE-5(b), Attachment D
- Attachment RR-DTE-5(b), Attachment E
- Attachment RR-DTE-5(b), Attachment G
- Attachment RR-DTE-5(b), Attachment H
- Attachment RR-DTE-5(b), Attachment I
- ~~Attachment RR-DTE-5(b), Attachment J~~
- Attachment RR-DTE-5(b), Attachment L
- Attachment RR-DTE-5(b), Attachment M
- Attachment RR-DTE-5(c)
- Attachment RR-DTE-5(c), Attachment A
- Attachment RR-DTE-5(c), Attachment B
- Attachment RR-DTE-5(c), Attachment D
- Attachment RR-DTE-5(c), Attachment E
- Attachment RR-DTE-5(c), Attachment G
- Attachment RR-DTE-5(c), Attachment H